



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

5. Jury (§ 24*)—Right to Jury Trial—To Have Jury Assess Punishment.—Byrd Law, § 27, allowing the court in its discretion to sentence to imprisonment for not more than 60 days one found guilty of violating its provisions, is not unconstitutional as depriving such accused of right to jury trial; such right not including a right to have punishment assessed by the jury.

[Ed. Note.—For other cases, see Jury, Cent. Dig. § 143; Dec. Dig. § 24.* 9 Va.-W. Va. Enc. Dig. 16.]

6. Criminal Law (§ 1213*)—Punishment—Cruel and Unusual.—Nor in such prosecution is a jail sentence of 30 days, in addition to a fine of \$100, cruel and unusual punishment, and therefore unconstitutional.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 3304-3309; Dec. Dig. § 1213.* 12 Va.-W. Va. Enc. Dig. 139.]

Error to Circuit Court, Southampton County.

Defendant Bracey was found guilty of selling ardent spirits without a license, and brings error. Affirmed.

J. N. Sebrell, Jr., of Norfolk, for plaintiff in error.

The Attorney General, for the Commonwealth.

ROBBINS *v.* WALKER.

June 8, 1916.

[89 S. E. 128.]

Boundaries (§ 10*)—Descriptions—Plats.—Where, on a plat, southerly boundary line of lots on the south side of a street separated them from marsh land lying between the lots and a creek to the south, constituting the southern boundary of the platted tract, the side lines of lots not being prolonged into the marsh, whereas lots on the north side of the street were not so separated from a marsh in their rear, but the side lines of the latter lots were prolonged into that marsh, one whose chain of title to a lot on the south side referred to such plat and described the lot as 150 feet deep, which was the depth indicated by the said southerly boundary line thereof, held, in ejectment, not to have title or any right to the marsh in the rear of the lot.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. §§ 90, 91; Dec. Dig. § 10.* 2 Va.-W. Va. Enc. Dig. 594.]

Appeal from Circuit Court of City of Norfolk.

Action by Alice V. Robbins against Flavius B. Walker. From a judgment for defendant, plaintiff appeals. Affirmed.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

J. Edward Cole, of Norfolk, for plaintiff in error.
Starke, Venable & Starke and *R. E. Miller*, all of Norfolk, for defendant in error.

CLARY et al. v. SPAIN.

June 8, 1916.
[89 S. E. 130.]

1. Infants (§ 58 (1)*)—Contracts—Avoidance.—Ordinarily an infant on coming of age may disavow a contract made during infancy.

[Ed. Note.—For other cases, see Infants, Cent. Dig. §§ 149-156, 158-160; Dec. Dig. § 58 (1).* 7 Va.-W. Va. Enc. Dig. 470.]

2. Infants (§ 27*)—Capacity to Act as Trustee.—As an infant may be a trustee, where he holds property in trust, equity may enforce the trust.

[Ed. Note.—For other cases, see Infants, Cent. Dig. § 35; Dec. Dig. § 27.* 13 Va.-W. Va. Enc. Dig. 328.]

3. Trusts (§ 17, 18 (3)*)—Express Trusts—Creation by Parol.—An express trust for land may be created by parol.

[Ed. Note.—For other cases, see Trusts, Cent. Dig. § 18; Dec. Dig. § 17, 18 (3).* 10 Va.-W. Va. Enc. Dig. 650.]

4. Trusts (§ 89 (2)*)—Creation—Evidence—Sufficiency.—In an action to enforce a trust, evidence that complainant paid the entire purchase price of land conveyed to her son-in-law and daughter under agreement as to their deeding it to her held to show creation of the trust.

[Ed. Note.—For other cases, see Trusts, Cent. Dig. § 135; Dec. Dig. § 89 (2).* 13 Va.-W. Va. Enc. Dig. 286.]

5. Descent and Distribution (§ 115*)—Trusts (§ 86*)—Resulting Trust—Payment of Consideration—Parent and Child.—Where purchase money is paid by a parent for conveyance to a child, there is a presumption that it was intended as an advancement, and a trust will not result upon payment of the purchase money; but this presumption may be rebutted.

[Ed. Note.—For other cases, see Descent and Distribution, Cent. Dig. § 426; Dec. Dig. § 115; Trusts, Cent. Dig. § 128; Dec. Dig. § 86.* 13 Va.-W. Va. Enc. Dig. 276.]

6. Trusts (§ 374*)—Enforcement by Court—Infant's Deeds.—Where one who had paid the consideration for conveyance to infants of land which they agreed to deed to her sued to secure a deed of the same to her by a commissioner appointed by the court, held such relief was proper, although the infants had conveyed to her as agreed, since, although they would not have been allowed to disaffirm such deed on coming of age, yet, on the face of the trans-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.